

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

NICHOLAS GUERRERO,

Defendant.

No. 2:07-CR-2042-WFN-3

ORDER

Pending before the Court is Defendant's Motion to Modify Imposition of Sentence. ECF No. 811. Defendant was sentenced pursuant to a Rule 11(c)(1)(C) Plea Agreement for what turned out to be a below guideline sentence. Amendment 782 only applies when the original sentence was based on the Guidelines. Defendant's sentence was not. Therefore, Defendant is ineligible for resentencing.

The Court has reviewed the file and Motion and is fully informed. Accordingly, **IT IS ORDERED** that Defendant's Motion to Modify Imposition of Sentence, filed June 5, 2015, **ECF No. 811**, is **DENIED**.

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 30th day of June, 2015.

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

06-26-15

ORDER